

Mayor and Council Meeting
Tuesday, April 8, 2003, 7:00 p.m.

Pledge

Roll call - Harrington, Smith, Greenfield, Stull, Castle, and Bell.
All present

Mayor Remarks -

Citizens Advisory Committee meeting Thursday 4/10, 7:00 p.m.

Groundbreaking for Habitat for Humanity home, Saturday, 4/12, 11:00 a.m.

Bulk Trash pickup scheduled occur Friday and Saturday, but needed to pickup Sunday and into this week. The estimate weight was 85 tons, which was about the same as last time.

Candlelight Virgil occurred for the Armed Forces in Iraq on Saturday night at 7:00 p.m.. We had a good turn out.

Chief - Recent burglaries occurring in the area. The method is the same, breaking out rear window, taking currency and jewelry. Offering security survey at private homes to determine vulnerability for break-ins. Investigation continuing with the help of Frederick County Sheriff Dept. Tips available tonight for homeowners. Possible suspects are 2 white males and one black male.

Susie Nichol - Did victims receive phone call prior to offense?

Chief - That information has been received and being considered. Believe these are crimes of opportunity.

Approval of Minutes - March 11 & March 25, 2003.

Motion to approve Castle

Second Stull

Vote 6-0

Staff Reports -

Chief - Police Report

1,048 Calls for Service, 450 calls per month

\$2,673 from parking citations

Homeland Security and CSX parking lot overtime hours.

All Police Department have HazMat suits.

Added new Officer Matthews which brings Department up to full strength.

Kevin Brawner -

Flow Reports Water and Wastewater - 14,051,000 gallons pumped from river.

Public Works Report - Worked on Campground for opening this month. Filled a lot of potholes. Please notify us regarding pot holes.

RR Square Lines were painted in March.

Sidewalks done from Maryland Ave to Virginia Ave (both sides). Peyton to Georgia has been pulled out today. E. Potomac lines test fitted. More salt placed on W. Potomac. Gas monitor class taken. City Park Cleaned. Flags and banners put up.

Guardrail almost complete at Little League Park.

Smith - Inquires as to progress on Brunswick St.

Mayor- 15 weeks for completion, will get back to it after sidewalk job and B st. is complete.

Smith - Blacktop on this year or next years budget?

Mayor - Probably next year. Going to have to do the service lines.

Recreation - Next Parade volunteer committee meeting will be held on April 21st at 7 pm at City Hall. Upcoming events incl. Easter Egg Hunt April 12th, CPR on April 26th, Sidewalk Chalk Contest on May 3rd, Bike on May 17th. More info on Channel 99.

Code Enforcement - For March 2003, 27 Warnings issued, 1 Citation for junk car. 15 complaints. 234 Warnings to date. 3 Citations, 44 complaints received..

Planning - Rick Stup

Planning Commission met on March 24.

Board of Appeals also met in March.

Zoning Certificates - 29 certificates issued since March 7.

Re-organization - Computer Zoning Certificates Log and Water and Sewer Tap allocation log created.

Meetings with Frederick County DPW to discuss the drafting of water and sewer rules and Regulations.

Alice Cooper will appear at April 22 meeting to discuss MPDUs.

Master Plan due for update this year.

Bell - Questions recent information that 84 Lumber project has been approved.

Rick - Still in planning process

Citizens Forum -

Ellis Burrell - Spoke in favor of Design Guidelines.

Mayor - No vote tonight, but highlights and discussion.

Dunn - Front Foot Assessment Charter Amendment - Special Assessment for improvements in the public right-of-way allowing for assessments. It expands the authority of Mayor and Council to other areas where they may levy special assessments to adjoining property owners to public improvements in the public right of way. This amendments applies specifically to Article 10. Has been in Charter for sometime and previously with public sidewalks. Court recognize this in many municipalities. For example, if we were going to repair a retaining wall, the cost is currently covered by the taxpayers equally. Courts have recognized that it is really appropriate for the homeowner, who received the benefit of that, to pay more of the share than someone on the other side of town. This amendment gives the City the authority to later place an assessment of a property. Each individual project would have to come back to Council with the public present and an ordinance created for each project.

Mayor - This is an expansion. There was already authority in that section of Article 10. But this expands those categories where this can be put in place. Enabling legislation has been on the books and has never been exercised.. However, the idea is to let those who are going to receive the greatest benefit contribute the most to the project.

Dunn - When it comes to the actual levying, in subsection D, we identify a project and we provide that before levying a special assessment, the Mayor and Council should hold a public hearing, stating nature and extent of project, materials, est. cost, portion to be assessed, etc. This provides for a public notice on each individual project.

Smith - In section D, re: Levy hearing, why not by resolution instead of ordinance?

Mayor - The point is that it has to be by ordinance because it gives the public greater privilege to react to it.

Dunn - According to attorneys, an ordinance opens doors to greater public input.

Mayor - If proposed resolution is passed, does not become effective for 50 days, there is a 40 day period whereby referendum can be filed, and the referendum requires 20% of the voters signature. Resolution (03-03) has to be posted in City Hall and has to be published in newspaper at lease 4 times.

Dunn - An additional comment ; City holds right that if the property that the assessment is on is ever transferred, or sold, the City has the right to collect the entire assessment at that time as part of the sale.

Harrington - So if there is let's say a \$25,000 assessment of a wall, and I sell my house, the City can collect the money at that time?

Dunn - The provision would allow us to collect in the same manner that you collect real estate taxes. It's a tax put on your tax bill. Each project is evaluated individually.

Curtis Cooper - 118 4th Ave. Wall belongs to City questions why property owner be assessed.

Smith - 4th Ave wall is in right-of-way.

Bell - Does this conflict with ordinance on sidewalks.

Stan Learnard, West Potomac St. - Cost usually passed to taxpayers. Property owner may not receive benefit to property value. Should apply to sidewalks. No problem with assessment as long as City does it correctly.

Smith - Selected projects. When collecting taxes over 20 years the return is minimal.

Harrington - Difference between special taxing district and special assessment.

Koertsmeijer -315 West Potomac St., Questions why his sidewalk was replaced and if assessment does take place would it be done retroactively?

Mayor - Work on W. Potomac is being done under a grant from the state. That's grant money. No assessment for that.

Barbara Baker - 114 E. Hth Street. Is it correct to say that now we have the same authority but only as it pertains to sidewalks? Which parts are new?

Dunn - Copy of old is available.

Bell - Could Brunswick Street project qualify. How would transfer of assessments be made to Enterprise Funds?

Smith - Using a transfer between funds.

Mayor - Current article allows for assessments for sewerage, but has never been used.

Smith - Motion to adopt
2nd - Stull

Bell - Believes old article should be changed before new article is adopted.

Mayor - New Article amends and cancels old article.

Smith - Water and Sewer line could be placed in street

Learnard - All pipes are not equal. Assessments could be different for everyone.

Dave - Discussion tonight does not establish an assessment, only the authority to establish an assessment.

Vote to adopt 3-3

For -Smith, Stull, Castle.

Against - Harrington, Bell, Bell

Mayor - Discussion if I can vote to break tie. After reviewing Charter

Mayor - Vote in favor of Charter Amendment.

Passed with Mayor breaking tie.

Staff Reports -

Bell - Camera donated for channel 99, Lockheed Martin will donate office furniture.

Street lights - Contacted Ms. Moss and assured

Castle - EDC finalizing Community Pride Months.

Stull - Finance Committee April 15.

Greenfield - Easter Hunts Saturday.

APFO Resolution for amendment fee 03-02

Discussion previously.

Motion to approve Stull

2nd Bell

Approved 6-0

Design Guidelines and Development Principles - Rick Stup

Portray picture of vision of Brunswick, beyond current Design Guidelines. Mirrored after Frederick County guidelines. Green-ways, pedestrian-ways, connectively to existing community, amenities, landscaping, etc. Biser may have been affected and not be placed on outskirts of City. Gives guidelines to Planning and Zoning Commission. Applies same principles as required for PUDs.

Mayor - How does this relate to PUD guidelines.

Rick - Only flexibility City has is with PUD.

Smith - Guidelines say may not shall.

Rick - Correct, if shall they would not be guidelines but Ordinance.

Mayor - These guidelines are recommendations to developers for City's vision or desires.
Will be considered at next meeting for adoption.

Learning Tree request for use of City Park Building. June 23 - August 22, 6:15 a.m. to 6:00 p.m.

Motion Stull

2nd - Castle

Vote approved 6-0

Handicap Sign request Florida Ave.- Chief. Documentation in order

Motion Greenfield to approve

2nd - Stull

Vote 6-0 approved

Sidewalk Project - Castle

Funds from HUD CDGB funds received in 1980's. Currently \$75,358 available in liquid with \$11,449 owed to City from outstanding loans. Recommend using half of special revenue fund or \$37,679 plus \$14,000 from sidewalk capital project fund. Opportunity for residents to borrow money. City will remove sidewalks. Suggest referring to Finance Committee for consideration.

Smith - Are low income restrictions still valid as with original money.

Mayor - Are restrictions lifted that were on use of original money.

Castle - CDGB states only restrictions is that funds are used to benefit residents.

Bell - Discussions came up during Main Street application with these type of low interest loans.

Motion to Adjourn - Stull

Approved By: _____ Witness: _____
Mayor Date City Administrator Date